

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA**
CHARLOTTESVILLE DIVISION

11/21/2019
JULIA C. DUDLEY, CLERK
BY: /s/ J. JONES
DEPUTY CLERK

ELIZABETH SINES, *et al.*,

Plaintiffs,

v.

JASON KESSLER, *et al.*,

Defendants.

CASE NO. 3:17-cv-00072

SHOW CAUSE ORDER

JUDGE NORMAN K. MOON

This Court has scheduled a contempt hearing concerning **Defendant Elliott Kline**, which **has been and remains set for Monday, November 25, 2019 at 1:00 P.M. EST**, at the United States Courthouse in Charlottesville, Virginia, for Kline to **SHOW CAUSE** why he should not be adjudged in contempt of court, by reason of the facts certified by United States Magistrate Judge Joel Hoppe in his Order dated October 30, 2019. Dkt. 584.

This Court is in receipt of the attached email* from Kline sent early this morning, in which he professes: to have difficulties in various forms of communication with the Court and in securing transportation to the hearing; that he has only just learned of the hearing; that he intends to remain in New York until after Thanksgiving and “do[es] not think [he] could make” the November 25 hearing; and that he intends to comply with his discovery obligations.

This Court will refer Kline back to Judge Hoppe’s Order issued on October 30, 2019, and this Court’s own Order issued on November 14, 2019, each of which unambiguously ordered Kline to appear before this Court on Monday, November 25, 2019, at 1:00 P.M. EST, in Charlottesville,

* The Court has redacted Kline’s email addresses in the attached document.

Virginia. In addition, this Court ordered Kline to take certain specific steps in discovery[†] no later than **today, Thursday, November 21, 2019, at 5:00 P.M. EST.** These orders were specifically and unambiguously directed to Kline and remain in full effect.

Kline is hereby advised that his

1. Failure to appear on November 25, 2019 could result in additional grounds of contempt.
2. Failure to appear on November 25, 2019 could result in this Court issuing a capias directing the United States Marshal's Service to arrest Kline and to transport him to Charlottesville, and to hold him in custody until he purges himself of contempt.
3. Failure to comply with the discovery obligations specifically ordered by this Court in its November 14, 2019 Order could result in additional grounds of contempt.

Judge Hoppe has certified facts and recommended sanctions in the framework of civil contempt, recommending an escalating set of sanctions in order to coerce Kline's compliance with his prior discovery orders, which ultimately result in the Court holding Kline in custody until he purges himself of contempt. Dkt. 584 at 13. Accordingly, this Court will consider whether Kline be held in civil contempt and appropriate sanctions in that context, as a means to coerce Kline's compliance with Judge Hoppe's and this Court's orders.

[†] This Court's Order issued on November 14, 2019, directed Kline to complete the following discovery obligations no later than today, as set forth below:

1. Kline shall, no later than **Thursday, November 21, 2019 at 5:00 P.M. EST**, provide to "the Third Party Discovery Vendor for imaging and collection any electronic devices (including [Kline's] old cell phone) and social media credentials identified on [Kline's] Certification Form," as had been specifically ordered by Judge Hoppe on August 8, 2019 (Dkt. 538 at 1-2);
2. Kline shall, no later than **Thursday, November 21, 2019 at 5:00 P.M. EST**, provide to Plaintiffs' counsel full and complete written answers to Plaintiffs' First Set of Interrogatories and Requests for Production of Documents;
3. Kline shall, no later than **Thursday, November 21, 2019 at 5:00 P.M. EST**, confirm by email to this Court (moon.ecf@vawd.uscourts.gov), to Judge Hoppe's Chambers (hoppe.ecf@vawd.uscourts.gov) and copying Plaintiffs' counsel, that the above steps have been completed. Kline shall attach to that email a PDF copy of his written answers to Plaintiffs' First Set of Interrogatories and Requests for Production of Documents[.]

This Court further reminds Kline that it provided him the opportunity to file any brief or response to the facts certified and the issues raised in Judge Hoppe's Order by today, Thursday, November 21, 2019, at 5:00 P.M. EST. In view of Kline's email, this Court will afford Kline until **Friday, November 22, 2019, at 5:00 P.M. EST**, to submit any brief or response to the facts certified and the issues raised in Judge Hoppe's Order that Kline would like this Court to consider before the show cause hearing on Monday, November 25, 2019.

This Court will consider any additional testimony or other evidence from Kline or Plaintiffs they may wish to submit on Monday, November 25, 2019, either to challenge the accuracy of the facts certified by Judge Hoppe or to establish the existence of relevant facts.

It is so **ORDERED**.

The Clerk of the Court is directed to send a certified copy of this Order to the parties. The Clerk of the Court is further directed to send a certified copy of this Order, Judge Hoppe's Order and Certification of October 30, 2019 (Dkt. 584), and this Court's Order of November 14, 2019 (Dkt. 588), to Elliott Kline at both email addresses he has provided as well as by mail to his address of record.

Entered this 21st day of November, 2019.



NORMAN K. MOON
SENIOR UNITED STATES DISTRICT JUDGE